

HOUSE BILL 2390

By McCormick

AN ACT to amend Tennessee Code Annotated, Title 39  
and Title 40, relative to criminal penalties and  
procedures.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 12, is amended by adding  
Sections 2 and 3 of this act as a new part.

SECTION 2. As used in this part, unless the context otherwise requires:

(1) "Acting in concert", as used in this section, means such conduct that would  
make one criminally responsible pursuant to § 39-11-401, § 39-11-402, or § 39-11-403;  
and

(2) "Crime of force or violence" means any of the following felony offenses:

- (A) Aggravated assault as defined in § 39-13-102(a)(1);
- (B) Robbery as defined in § 39-13-401; and
- (C) Aggravated burglary as defined in § 39-14-403.

SECTION 3.

(a) A crime of force or violence committed while acting in concert with two (2) or  
more other persons shall be classified one (1) classification higher than if it was  
committed alone if the victim or victims of the crime know or reasonably should know  
that at least three (3) people participated in the commission of the crime.

(b) The indictment shall charge that the offense was committed while acting in  
concert with two (2) or more other persons.

SECTION 4. If any provision of this act or the application thereof to any person or  
circumstances held invalid, such invalidity shall not affect other provisions or applications of the

act which can be given effect without the invalid provision or application, and to that end, the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect July 1, 2012, the public welfare requiring it.